

Panaji, 6th April, 2023 (Chaitra 16, 1945)

SERIES I No. 1

# OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

## NOTE

There are four Extraordinary and one Supplement to the Official Gazette, Series I No. 52 dated 30-03-2023 namely:-

1) Extraordinary dated 31-03-2023 from pages 1721 to 1722 from Department of Education, Art and Culture, Notification regarding date of appointment on which provisions of Goa Private Universities (Amendment) Act, 2023 shall come into force.

2) Supplement dated 31-03-2023 from pages 1723 to 1864 from Department of Environment & Climate Change, Notification regarding Wetlands (Conservation and Management) Rules, 2017.

3) Extraordinary (No.2) dated 31-03-2023 from pages 1865 to 1874, Notification from Department of Law regarding Goa Appropriation (Vote on Account) Act, 2023; and date of appointment on which provisions of the Goa Panchayat Raj (Amendment) Act, 2023 shall come into force, from Department of Panchayati Raj and Community Development.

4) Extraordinary (No. 3) dated 03-04-2023 from pages 1875 to 1878, order regarding revision of processing fees and notification regarding amendment to schedule of Goa Tax on Infrastructure Act, 2009.

5) Extraordinary (No. 4) dated 05-04-2023 from pages 1879 to 1880, Department of Law, Notification regarding the Goa Appropriation (No. 2) Act, 2023.

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**GOVERNMENT OF GOA****Department of Finance**

Budget Division

**Notification**

1/11/2022-FIN(BUD)(Part)/700

In exercise of the powers conferred by clause (3) of Article 166 of the Constitution of India, the Governor of Goa hereby makes the following rules so as to amend the Goa Delegation of Financial Powers Rules, 2008, namely:—

1. *Short title and commencement.*— (1) These Rules may be called the Goa Delegation of Financial Powers (First Amendment) Rules, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Amendment of Rule Annexure-I.*— In the Goa Delegation of Financial Powers Rules, 2008, in the Annexure I,—

(i) Under the heading “Object Class 1 (Personnel services and benefits)”, after code 05, the following entities shall be inserted, namely:—

“06 Outsourcing of DEOs /Jr. Stenos and Other Services	Expenses towards Hiring of Services for the Administrative purpose
07 Outsourcing of Utility Attendants	Expenses towards Hiring of Services for Housekeeping Purpose (Cleaning office premises, Gardening, Security Purpose etc.)”;

(ii) under the heading “Object Class 2 (Administrative expenses)”.—

(a) before code 11, the following entities shall be, inserted, namely:—

“08 Maintenance of I.T. Equipments	Expenses towards Maintenance contracts for Computers and its peripherals, Xerox/ Copier Machines,
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09 Maintenance of Non I.T. Equipments/ Machinery	Expenses towards maintenance of Generator, Inverters, Central UPS, all Machineries requiring specialized Services.
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10 Maintenance of cars and other vehicles	Expenses towards overall maintenance accept expenses for Petrol, Oil, Lubricants”;
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(b) after code 16, the following entries shall be inserted, namely:—

“17 Refreshment Charges	Expenses towards Refreshment towards Meetings, Official Lunch/Dinner etc.
18 Entertainment/Gift Expenses	
19 Stationery Expenses	Expenses towards all office stationery including Computer consumables”;

(c) after code 20, the following entries shall be inserted, namely:—

“29 Telephone/Mobile Charges	Expenses towards Telephone, Internet, Mobile Charges”
36 Procurement of I.T. Equipments	Expenses towards Procurement of Computers and its peripherals, Xerox/ Copier Machines
37 Exhibition/Fair Expenses	Expenses towards organization of Exhibition and Fairs
38 Furniture Expenses	Expenses towards purchase of Office Furniture's
39 Electricity Charges	Expenses towards Electricity Charges
40 Water Charges	Expenses towards Water Charges”;

(iii) under the heading “Object Class 4 (Grants, etc.)”,—

(a) for the existing entry against Code 31, the following entry shall be substituted, namely:—

“31 Grants-in-aid (Non-Salaries)	Grants given other than salary purpose
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33- Schemes/Subsidies Schemes as well as subsidies”;

(b) after code 34, the following entry shall be inserted, namely:—

“35 Grants-in- aid (Salaries) Grants given for purpose of Salaries”.

By order and in the name of the Governor of Goa.

*Pranab G. Bhat*, Under Secretary (Finance Budget-I).

Porvorim, 24th March, 2023.



Goa Legislature Secretariat

LA/LEGN/2023/3542

The following bill which was introduced in the Legislative Assembly of the State of Goa on 28th March, 2023 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

### The Goa Town & Country Planning (Second Amendment) Bill, 2023

(Bill No. 20 of 2023)

A

BILL

*further to amend the Goa Town and Country Planning Act, 1974 (Act 21 of 1975).*

Be it enacted by the Legislative Assembly of Goa in the Seventy-fourth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Town and Country Planning (Second Amendment) Act, 2023.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 49.*— In section 49 of the Goa Town and Country Planning Act, 1974 (Act No. 21 of 1975), for the first proviso, the following proviso shall be substituted, namely:—

“Provided that no such certificate of sanction or “no objection” shall be required to be produced to transfer, assign, limit or extinguish the right, title or interest in respect of plot to be acquired through inheritance in an ancestral property or in family property by the legal heirs pursuant to Succession Deed, Inventory proceeding, Will, family partition/settlement, gift, governed by the provisions of the Goa Succession, Special Notaries and Inventory Proceedings Act, 2012 (Goa Act 23 of 2016) and the law in force:

Provided further that such development permission shall be required where sub-division results in plots in excess of number of legal heirs.”.

### Statement of Objects and Reasons

The Bill seeks to amend sub-section (6) of section 49 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975), so as to prevent the misuse of exemption from obtaining certificate of sanction or no objection for sub-division in case of inheritance within family resulting in sub-division of land into multiple plots without following sub-division standards and provisions of statutory Plan.

This Bill seeks to control such sub-division of property by amending sub-section (6) of section 49 of the said Act, suitably.

### Financial Memorandum

No financial implications are involved in this Bill.



## The Goa Municipalities (Amendment) Bill, 2023

(Bill No. 19 of 2023)

A

BILL

*further to amend the Goa Municipalities Act,  
1968 (Act 7 of 1969).*

Be it enacted by the Legislative Assembly of Goa in the Seventy-fourth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Municipalities (Amendment) Act, 2023.

(2) It shall be come into force at once.

2. *Amendment of section 9.*— In section 9 of the Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the “principal Act”), in sub-section (2), for the word “Director”, the words “State Election Commission in consultation with the Government” shall be substituted.

3. *Amendment of section 184.*— In section 184 of the principal Act,—

(i) in sub-section (3), for the words “sixty days”, the words “fifteen days” shall be substituted;

(ii) in sub-section (4), for the words “sixty days”, wherever they occur, the words “fifteen days” shall be substituted;

(iii) in sub-section (6), for the words “the person giving notice”, the words “the permission shall be deemed to have been granted and the person giving notice” shall be substituted.

### Statement of Objects and Reasons

1. The Bill seeks to amend section 9 of the Goa Municipalities Act, 1968 (Act 7 of 1969) (hereinafter referred to as the “said Act”) for devolving the powers of delimitation to the State Election Commission so that elections to the Municipal Councils are conducted in a free, fair and transparent manner.

2. The Bill seeks to amend section 184 of the said Act so as to curtail delay in obtaining permission for construction of building and to promote ease of doing business.

3. This Bill seeks to achieve the above objects.

### Financial Memorandum

No financial implications are involved in this Bill.

### Memorandum Regarding Delegated Legislation

Clause 4 of the Bill empowers the Government to frame Rules providing for the manner in which the Municipal Council may submit its proposal to the Government for execution of works of public interest in Municipal area. This delegation is of normal character.

Porvorim, Goa.  
27th March, 2023.

VISHWAJIT P. RANE  
Minister for Urban  
Development.

Assembly Hall  
Porvorim, Goa.  
27th March, 2023.

NAMRATA ULMAN  
Secretary to the Legislative  
Assembly of Goa.

(Annexure to the Bill No. 19 of 2023)

### **The Goa Municipalities (Amendment) Bill, 2023** **The Goa Municipalities Act, 1968** **(Act 7 of 1969)**

9. *Composition of Councils.*— (1) Save as otherwise provided by this Act, every Council shall consist of Councillors elected at ward elections; Provided that—

(1) in every Council, no less than (1/3) seats shall be reserved for women;

(2) in every Council, seat shall also be reserved for Scheduled Caste, Scheduled Tribes and Other Backward Class and for woman belonging to Scheduled Caste, as the case may be, the Scheduled Tribes and Other Backward Class as provided in sub-section (2). The Director shall from time to time by an order published in the Official Gazette fix for each municipal area—

(a) the number of elected Councillors in accordance with the following table:

(i) 'A' class— The minimum number of elected Councillors shall be 20 and for every 2,500 of the voters in municipal area or part thereof above 50,000 there shall be one additional elected Councillors, or however, that the total number of elected councilors shall not exceed 25.

(ii) 'B' class— The minimum number of elected Councillors shall be 12 and for every 2,500 voters in municipal area or part thereof above 10,000 there shall be one additional elected Councillors, so however, that the total number of elected Councillors shall not exceed 20.

(iii) 'C' class— The number of elected Councillors shall be 10.

(b) the number of seats, if any, to be reserved for the Scheduled Castes or Scheduled Tribes so that such number shall bear, as nearly as may be, the same proportion to the number of elected Councillors as the population of the Scheduled Castes or of the Scheduled Tribes in the municipal area bears to the total population of that area and not less than one-third of such seats shall be reserved for women and such seats shall be allotted by rotation to different wards in the Council.

(c) the number of seats for the office of Chairperson in the Council for Scheduled Castes, the Scheduled Tribes and women so that such number will bear as nearly as may be, the same proportion to the number of elected Councillors as the population of the scheduled Castes, Scheduled Tribes in the municipal area bears to the total population of that area and such seats shall be allotted by rotation to different constituencies in a Council.

(3) The reservation of seats for Scheduled Castes and Scheduled Tribes made by an order under sub-section (2) shall cease to have effect when the reservation of seats for those Castes and Tribes in the House of the People ceases to have effect under the Constitution of India: Provided that nothing in this sub-section shall render any person elected to any such reserved seat ineligible to continue as a Councillor during the term of office for which he was duly elected by reason only of the fact that the reservation of seats has so ceased to have effect.

(4) Every order under sub-section (2) shall take effect for the purposes of the next general election of the Council immediately following after the date of the order.

## CHAPTER XII

### Control over Buildings

184. *Notice of construction of building.*— (1) The expression to construct a building throughout this Chapter includes—

(a) any material alteration, enlargement or reconstruction of any building, or of any wall including compound wall and fencing, verandah, fixed platform, plinth, door step or the like, whether constituting part of a building or not;

(b) the conversion into a place for human habitation of any building not originally constructed for human habitation;

(c) the conversion into more than one place for human habitation of any place originally constructed as one such place;

(d) the conversion of two or more places of human habitation into a greater number of such places;

(e) such alterations of the internal arrangements of a building, as affect its drainage, ventilation or other sanitary arrangements, or its security or stability; and

(f) the addition of any rooms, buildings, or other structures to any buildings, and a building so altered, enlarged, reconstructed, converted or added to, is throughout this Chapter included under the expression a new building.

(2) Before beginning to construct any building, the person intending so to construct shall give to the Chief Officer notice thereof in writing and shall furnish to him at the same time, if required by a bye-law or by a special order to do so, a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the Chief Officer, and all information required by the bye-laws or demanded by the Chief Officer regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, privies, waterclosets, house-gullies and cess-pools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets, the means of access to such building and the purpose for which the building will be used:

Provided that, if the bye-laws of the Council so require, such notice shall be in such form as the Council may from time to time prescribe and such plans shall be signed by a person possessing the qualifications laid down in the bye-laws or licensed under the bye-laws so to sign such plans.

(3) If the person giving notice under sub-section (2) fails to—

(i) furnish all the information and documents required under sub-section (2); or

(ii) the Chief Officer deems it necessary to call for any further information or documents, the Chief Officer shall, within sixty days of the receipt of the notice, require such person by an order in writing to furnish such information or documents.

(4) Within sixty days of the receipt by the Chief Officer of the notice under sub-section (2), or if any further information and documents have been called for under sub-section (3) then within sixty days of the receipt of all such further information and documents, the Chief Officer may—

(a) grant the necessary permission to construct according to the plans and information furnished under sub-section (2) and sub section (3);

(b) impose any conditions in accordance with this Act or the rules and bye-laws made thereunder, as to the level, drainage, sanitation, materials or to the number of storeys to be erected, or with reference to the location of the building in relation to any street existing or projected or to the means of access to such building on the purpose for which the building is to be used;

(c) direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building or street have been decided to his satisfaction;

(d) subject to the provisions of the next succeeding section, refuse such permission for reasons which shall be communicated to the applicant in writing.

(5) The Council may, before any work has been commenced in pursuance of any permission granted by the Chief Officer under sub section (4), revoke such permission and may give fresh permission in lieu thereof or issue any other order as may be passed by the Chief Officer under sub-section (4).

(6) If the Chief Officer fails to issue an order under clause (c) or (d) of sub-section (4) within the period prescribed in that sub-section, the person

giving notice under sub-section (2) shall, after the expiry of the said period, be entitled to proceed with the work in respect of which such notice has been given under sub-section (2), in the manner specified in such notice, provided that such manner is not inconsistent with any provision of this Act or any rule or bye-law for the time being in force thereunder.

(7) No person who becomes entitled under sub-section (4), (5) or (6) to proceed with any intended work of which notice is required by sub section (2), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (2) to (6).

(8) If any person begins any construction of a building of which notice is required to be given under sub-section (2)— (i) without the permission of the Chief Officer under sub-section (4) or of the Council under sub-section (5), save as otherwise provided under sub-section (6); or (ii) having received permission under clause (a) of sub-section (4), contrary to the plans and information furnished under sub-sections (2) and (3); or (iii) having received permission under clause (b) of sub-section (4), contrary to the conditions imposed under that clause or contrary to the plans and information submitted under sub-sections (2) and (3) in so far as such plans and information are not modified by such conditions; or (iv) contrary to the provisions of sub-section (6), when construction is begun under that sub-section, the Chief Officer may, by a written notice, require such person to stop such construction and to alter or demolish any construction already made as specified in the notice. If, within fifteen days from the service of such notice for demolishing any such construction, the work of demolishing it is not commenced, the Chief Officer may cause such work to be done and the expenses incurred therefor shall be recoverable from the person concerned in the same manner as an amount due on account of a property tax.

(9) Any person who fails to comply with the notice issued by the Chief Officer under sub-section (8), shall, on conviction, be punished with fine which may extend to fifteen thousand rupees.

(10) The Court convicting such person may also direct such person to demolish or alter the building in accordance with the order of the Chief Officer or

in such other manner as the Court may deem proper and within the period specified by the Court. If such person fails to demolish or alter the building within the period specified by the Court, or in the manner required by the Court, he shall, on conviction, be punished with further fine which may extend to one hundred rupees for every day after the expiry of the period for compliance specified by the Court in its order during which such non-compliance continues.

(11) Nothing in sub-section (8) or (10) shall be deemed to affect the power of the Council or the Chief Officer to demolish or alter the building under section 190.

(12) The Chief Officer may, at any time, inspect without giving notice of his intention to do so, any work of which notice is required by sub-section (2); and at any time during the execution of any work may, by written notice, specify any matter in respect of which the execution of such work is in contravention of any provision of this Act or of any bye-laws made under this Act or of any order passed under this section; and require the person executing such work to cause anything done contrary to any such provision or bye-laws or order to be amended or to do anything which by any such provision or bye-law or order he is required to do but which has been omitted.

(13) Any person aggrieved by an order of the Chief Officer made under sub-section (8) may prefer an appeal against the order to the Appellate Tribunal within the period specified in the order for the demolition of the construction or work to which it relates.

(14) Where an appeal is preferred under sub-section (13) against the order of demolition, the Appellate Tribunal may, subject to the provisions of sub-section (3) of section 184 C, stay the enforcement of that order on such terms, and for such purpose, as it may think fit: Provided that where the erection of any building or execution of any work has not been completed at the time of the making of the order of demolition, no order staying the enforcement of the order of demolition shall be made by the Appellate Tribunal unless security sufficient in the opinion of the said Appellate Tribunal has been given by the appellant for not proceeding with such erection or work pending the disposal of the appeal.

(15) Subject to any order may by the Government on appeal under section 184 D, every order made by the Appellate Tribunal on appeal under this section, and subject to the orders of the Government

and the Appellate Tribunal on appeal, the order of demolition made by the Chief Officer shall be final.

(16) Where no appeal has been preferred against an order of demolition made by the Chief Officer under sub-section (8) or where an order of demolition made by the Chief Officer under that sub-section has been confirmed on appeal, whether with or without variation, by the Appellate Tribunal in a case where no appeal has been preferred against the order of the Appellate Tribunal, and by the Government in a case where an appeal has been preferred against the order of the Appellate Tribunal, the persons against whom the order has been made shall comply with the order within the period specified therein, or as the case may be, within the period, if any, fixed by the Appellate Tribunal or Government on appeal and on the failure of the person to comply with the order within such period, the Chief Officer may himself cause the erection or the work to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as an amount due on account of property tax.

(17) If an order made by the Chief Officer under sub-section (8) directing any person to stop the construction is not complied with, the Chief Officer may in addition to any other action that may be taken under this Act, may require any Police Officer to remove such person or his assistants and workmen from the premises or to seize any construction material, tool, machinery, scaffolding or other things used in the construction within such time as may be specified in the requisition and such Police Officer shall comply with the requisition accordingly.

(18) Any of the things caused to be seized by the Chief Officer shall be disposed off by him in the manner specified in section 156.

(19) After the requisition under sub-section (18) has been complied with, the Chief Officer may, if he thinks fit, depute by a written order, a Police Officer or a Municipal Officer or other Municipal employee to watch the premises in order to ensure that the construction is not continued.

(20) Where a Police Officer or a Municipal Officer or other Municipal employee has been deputed under sub-section (19) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such construction is being continued or to whom notice under sub-section (8) was given and shall be recoverable from such person as an amount due on account of a property tax].

(21) Notwithstanding anything contained in any other provisions of this Act, the Chief Officer may, subject to the recommendation of the Council, regularize any construction in respect of which no notice as required under sub-section (2) has been given, on payment of a fine equivalent to the fees and taxes payable in respect thereof from the date of commencement of such construction, provided that such construction is as per the building bye-laws and complies with the provisions of any other law for the time being in force.

Assembly Hall, NAMRATA ULMAN  
Porvorim-Goa. Secretary, Legislature.

LA/LEGN/2023/3544

The following bill which was introduced in the Legislative Assembly of the State of Goa on 28th March, 2023 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

### The Goa Restrictions on Transfer of Agriculture Land Bill, 2023

(Bill No. 18 of 2023)

A

BILL

*to impose restrictions on the transfer of certain agricultural lands in the State of Goa and for matters connected therewith or incidental thereto.*

Be it enacted by the Legislative Assembly of Goa in the Seventy-fourth Year of the Republic of India as follows:—

#### 1. Short title, extent and commencement.—

(1) This Act may be called the Goa Restriction on Transfer of Agricultural Land Act, 2023.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Definitions.— In this Act, unless the context otherwise requires,-

(a) “agriculture” means cultivation of paddy;

(b) “agriculturist” means a person who cultivates agricultural land personally;

(c) “agricultural land” means a land which is presently being used for cultivation of paddy but does not include the land which is earmarked for the use or purpose, partly or fully, other than agriculture in any plan prepared under the Goa Town and Country Planning Act, 1974 (Act 21 of 1975);

(d) “Collector” means the Collector as defined in clause (7) of section 2 of the Goa Land Revenue Code, 1968 (Act No. 9 of 1969);

(e) “Government” means the Government of Goa;

(f) “Mamlatdar” means a person appointed as a Mamlatdar by the Government and includes a Joint Mamlatdar;

(g) “prescribed” means prescribed by rules made under this Act;

(h) “to cultivate land personally” means to cultivate land on one’s own account,-

(i) by one’s own labour; or

(ii) by the labour of any member of one’s family; or

(iii) by a servant on wages payable in cash or kind but not in crop share, or by hired labour, under one’s personal supervision or the personal supervision of any member of one’s family;

(iv) “Tribunal” means the Administrative Tribunal constituted under the Goa Administrative Tribunal Act, 1965 (Act No. 6 of 1965).

3. Restriction on transfer of agricultural land.— (1) No person who owns or occupies or in possession of an agricultural land shall transfer such land by way of sale (including sale in execution of a decree of a Civil Court or for recovery of arrears of land revenue or

for sums recoverable as arrears of land revenue), gift, exchange, lease or by any other mode of transfer, in favour of a person other than an agriculturist:

Provided that the Collector may on an application made in a prescribed form grant permission to transfer such land to a person other than Agriculturist in any of the following circumstances, namely:—

(a) the land is required for purpose of agriculture by industrial or commercial undertaking in connection with any industrial or commercial operations carried on by such undertaking;

(b) the land is required by a co-operative farming society;

(c) on the request by a person to the Collector, the Collector is satisfied that the land is required for cultivating it personally by a person, who, not being an agriculturist, intends to take up agriculture and is capable of cultivating land personally,

(d) in such other circumstances as may be prescribed:

Provided further that the person referred at clause (c) above shall take up agriculture on such land within a period of three years from the date of acquisition of such land and continue to carry thereon agriculture, failing which, such land shall vest in the Government, upon expiry of three years from the date of abandonment or discontinuation of such activity.

(2) No person who owns or occupies or in possession of any agricultural land shall use or allow it to be used for any purpose other than agriculture, except by following due procedure laid down under any law in force.

(3) Any transfer of an agricultural land in contravention of the provisions of sub-section (1) shall be null and void and non-est in the eyes of law and shall not confer any right or title to or interest in such agricultural land in favour of the transferee.

(4) If any question arises as to whether any land is an agricultural land or not, the Mamlatdar of the respective jurisdiction shall after holding such inquiry as deemed fit by him decide such question.

4. *Act not to apply in certain cases.*— The provisions of this Act shall not apply to,-

(i) a mortgage of agricultural land for raising loan for effecting any improvement to the agricultural land;

(ii) an acquisition of right to agricultural land by inheritance;

(iii) transfer of agricultural land by operation of law; and

(iv) transfer of agricultural land in favour of Government for any Government project.

5. *Penalty.*— Whoever contravenes the provisions of section 3 by transferring the agricultural land, the transferor as well as the transferee each of them shall be punished with fine equivalent to market value of such land to be determined as per the rates fixed by the Government for such land.

6. *Forfeiture of land transferred in contravention of section 3.*— (1) Where in respect of the transfer of any land, the Collector suo moto or on the application of any person has reason to believe that such transfer is in contravention of section 3, he shall issue notice to the transferor and the transferee to show cause as to why the transfer should not be declared to be in contravention of said section 3, and shall also hold an inquiry to decide whether the transfer is in contravention of said section 3 or not.

(2) If, after holding such inquiry, the Collector declares that the transfer to be in contravention of section 3, the land in respect of which such contravention has taken place shall be deemed to be forfeited to the Government without the payment of any compensation.

(3) Notwithstanding anything contained in sub-sections (1) and (2) hereinabove, all transfers made in contravention of section 3 shall be void ab initio.

7. *Procedure in inquiries.*— (1) All inquiries and proceedings under this Act shall be conducted by the Collector or such officer not below the rank of Mamlatdar as authorized by the Government by Notification in the Official Gazette and in such manner as prescribed.

(2) Every decision of the Collector or officer stated in sub-section (1) shall be recorded in the form of an Order and shall state the reasons for such a decision.

8. *Appeal and Revision.*— (1) An appeal shall lie from every original order, other than an interim order, passed under this Act:-

(i) if such an order is passed by the Mamlatdar, to the Collector;

(ii) if such an order is passed by the Collector, to the Tribunal.

(2) No appeal shall lie against any order except as provided under sub-section (1) above.

(3) Any person, who is aggrieved by any final order passed under sub-section (1) may, within thirty days from the date of such final order of the Collector or the Tribunal, file a revision before the High Court;

(4) A revision application filed before the High Court shall be heard by a bench consisting of not less than two judges.

9. *Bar of jurisdiction.*— No Civil Court shall have jurisdiction to entertain, try, settle, decide or deal with any question which is by or under this Act, required to be settled, decided or dealt with by the Collector or the officer stated in section 8 or the Tribunal.

10. *Protection of action taken under this Act.*— (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rules made thereunder.

(2) No Suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provision contained in this Act or any

rules made thereunder or by anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

11. *Limitation and court fees.*— (1) Every appeal under this Act shall be filed within a period of thirty days from the date of the order of the Collector or the officer stated in section 8, as the case may be, and the provisions of section 4, 5, 12 and 14 of the Limitation Act, 1963 (Act 36 of 1963), shall apply to the filing of such appeal.

(2) Notwithstanding anything contained in the Court Fees Act, 1870 (7 of 1870), as in force in the State of Goa, every appeal or application made under this Act to the Collector or authorized officer or to the Tribunal shall bear a court fee stamp of rupees fifty and every revision Application filed before the High Court shall bear a court fee stamp of rupees one hundred and fifty.

12. *Power to make rules.*— The Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of this Act.

13. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from date of the commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of Goa.

#### Statement of Objects and Reasons

The Bill seeks to impose restrictions on the transfer of certain agricultural lands in the State of Goa so as to preserve and protect the land which is presently being used for cultivation of paddy.

This Bill seeks to achieve above objects.

## Financial Memorandum

No financial implications are involved in this Bill.

## Memorandum regarding delegated Legislation

Clause 1(3) of the Bill seeks to empower the Government to appoint the date for bringing into force the Act by Notification in the Official Gazette.

Clause 3 of the Bill seeks to empower the Government to frame rules to specify circumstances in which the Collector may grant permission to transfer agricultural land to a person other than agriculturist.

Clause 7 of the Bill seeks to empower the Government to frame rules to specify the manner for conducting the inquiries and Proceedings.

Clause 12 of the Bill empowers the Government to make rules for carrying out all or any of the provisions of the Act.

Clause 13 of the Bill seeks to empower the Government to issue an Order for the purpose of removing any difficulty which may arise in giving effect to the provisions of the Act

These delegations are of normal character.

Porvorim, Goa.      ATANASIO MONSERRATE  
28th March, 2023.      Minister for Revenue.

Assembly Hall,      NAMRATA ULMAN  
Porvorim, Goa.      Secretary to the  
Legislative Assembly.

LA/LEGN/2023/3545

The following bill which was introduced in the Legislative Assembly of the State of Goa on 28th March, 2023 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Legislative Diploma No. 2070  
dated 15-04-1961  
(Amendment) Bill, 2023

(Bill No. 17 of 2023)

A

BILL

*further to amend the Legislative Diploma No. 2070 dated 15-4-1961, in its application to the State of Goa.*

Be it enacted by the Legislative Assembly of Goa in the Seventy-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 2023.

(2) It shall come into force at once.

2. *Amendment of article 39.*— In article 39 of the Legislative Diploma No. 2070 dated 15-4-1961 (herein after referred to as the “Principal Code”), for the words “Prescribed in this Code,” the words “Prescribed in this Code and rules framed thereunder” shall be substituted.

3. *Amendment of article 50.*— For article 50 of the Principal Code, the following article shall be substituted, namely:—

“Art. 50—An outgoing member of the managing committee of the comunidade shall be eligible for re-election.”

4. *Amendment of article 70.*— In article 70 of the Principal Code,—

(i) in clause (i), the following proviso shall be inserted namely:—

“Provided that during the pendency of such inquiry, the Government may if it is found expedient, suspend such committee and appoint an Officer of the Government to take charge of the affairs of such Comunidade till the completion of such inquiry.”;

(ii) in clause 3, for the expression “and shall pay the fine of Rs. 50/-”, the expression “and each such member shall pay the fine

of Rs. 10,000/- (Rupees ten thousand only)" shall be substituted.

5. *Amendment of article 327.*— In article 327 of the Principal Code, for the expression "5 meters", the words "ten meters", shall be substituted.

6. *Amendment of article 334-A.*— In article 334-A of the Principal Code,-

(i) in clause (vii), for the words "Landless Jonoeiros", the words "Landless Jonoeiro of the concerned Comunidade" shall be substituted;

(ii) in the seventh proviso, for the expression "Rs. 3,50,000/-" the expression "Rs. 15,00,000/-" shall be substituted;

(iii) in the Explanation 1, after the words "owns a plot of land or house", expression "or an undivided share in ancestral property which, on the date of making application for grant of land, has been separately allotted share either in family partition or Settlement or allotted through Court proceedings or otherwise" shall be inserted.

(iv) after Explanation 2, the following explanation shall be inserted, namely:—

"*Explanation 3.*— An applicant falling under clause (vii) above shall support his application by a certificate issued by the concerned Comunidade duly countersigned/ attested by the Administrator of the concerned zone certifying that he is a jonoeiro of such Comunidade".

7. *Insertion of new article 334-C:-* After article 334-B of the Principal Code, the following article shall be inserted, namely:—

"Art. 334-C— Notwithstanding anything contained in this Code, the Government may with the prior consent of the concerned Comunidade, grant land by way of long lease for any public purpose, for such period and on such terms and conditions as it may deem fit, to any Government Department, Government undertaking, or statutory body constituted by Government.

8. *Insertion of new articles.*— After article 339 of the Principal Code, the following articles shall be inserted, namely:—

Art. 339-A The Comunidade may entrust the work of development of land, to any private agency, by public auction and/or by inviting bids subject to the approval of the Government so that it can grant subdivided plots of land as per the provisions of this Code.

Article 339-B "The immovable properties belonging to and vesting in the Administrator of Comunidades in the North, Central and South Zones shall be considered as deemed to be covered by the provisions of the Goa Public Premises (Eviction of Unauthorised Occupants) Act, 1988 (Goa Act No. 22 of 1988) and shall be considered as public premises within the said Act for the purposes of the said Act".

#### Statement of Objects and Reasons

The Bill seeks to amend the Legislative Diploma No. 2070 dated 15-4-1961 so as to streamline the process of election of the members of the Managing Committee of the Comunidade, provide for development of land by private agency and this Bill seeks to achieve the above objects to effectively regulate the process of grant of land by the Comunidades.

#### Financial Memorandum

No financial implications are involved in this Bill.

#### Memorandum regarding delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim, Goa. 28th March, 2023. ATANASIO MONSERRATE  
Minister for Revenue.

Assembly Hall, Porvorim, Goa. NAMRATA ULMAN  
Secretary to the  
Legislative Assembly.

LA/LEGN/2023/3546

The following bill which was introduced in the Legislative Assembly of the State of Goa on 28th March, 2023 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

## The Goa Regularisation of Unauthorized Construction (Amendment) Bill, 2023

(Bill No. 16 of 2023)

A

BILL

*further to amend the Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016).*

Be it enacted by the Legislative Assembly of Goa in the Seventy-fourth Year of the Republic of India as follows:-

1. *Short title and commencement.*— (1) This Act may be called the Goa Regularisation of Unauthorized Construction (Amendment) Act, 2023.

(2) It shall be deemed to have come into force on the 6th day of March, 2023, except section 3 which shall be deemed to have come into force on the 24th day of June, 2016.

2. *Amendment of section 3.*— In section 3 of the Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016) (hereinafter referred to as the “principal Act”),—

(i) in sub-section (1), before the existing provisos, the following proviso shall be inserted, namely:—

“Provided that no such written consent as referred to in clauses (a) and (c) is required where the property/land is divided/allotted between all co-owners or members of family/families by an order or decree of the Court in any proceedings or by any registered Deed or instrument”;

(ii) for sub-sections (6), (7) and (8), the following sub-sections shall be substituted, namely:—

“(6) The authorised officer shall not entertain an application or proceed with regularisation process of unauthorized construction where the title or ownership of any property/land upon which unauthorized construction has been carried out, is subject matter of a dispute before any Court, Tribunal or any Statutory Authority and such Court, Tribunal or Statutory Authority has passed an injunction or granted status quo or any prohibitory order against such property/land or construction.

(7) Where the title or ownership of any property/land upon which unauthorized construction has been carried out, is subject matter of a dispute before any Court, Tribunal or any Statutory Authority but no such injunction or status quo or any prohibitory order is granted against such property/land or construction by such Court, Tribunal or Statutory Authority and the authorised officer passes any order of regularization of unauthorized construction under this Act, such order shall be subject to the decision of such Court or Tribunal or Statutory Authority.

(8) Notwithstanding anything contained in the relevant Act or in any contract, judgment, decree or order of any Court or any Statutory Authority or any instrument having the force of law, the authorized officer may, entertain an application under sub-section (1) and pass an order of regularisation of unauthorized construction under this Act and upon passing of such order of regularisation of unauthorized construction, such unauthorized construction shall be deemed to have been regularised under the relevant Act.”.

3. *Substitution of section 7.*— For section 7 of the principal Act, the following section shall be substituted, namely:—

“7. Appeals.— (1) Any person aggrieved by an order passed by the authorised officer may prefer an appeal to the Government.

(2) Every appeal under this Act shall be filed within a period of sixty days from the date of the order of the authorised officer and the provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 (Central Act 36 of 1963), shall apply to the filing of such appeal”.

4. *Validation*.— Notwithstanding anything contained in any judgment, decree or order of any Court, any appeal entertained by the Government after expiry of the period of sixty days by condoning the delay in filing of such appeal, before the 6th day of March, 2023, shall be deemed to have been validly entertained in accordance with the provisions of section 7 of the principal Act as amended by this Act.

5. *Repeal and saving*.— (1) the Goa Regularisation of Unauthorized Construction (Amendment) Ordinance, 2023 (Ordinance No. 1 of 2023) is here by repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

#### Statement of Objects and Reasons

The Bill seeks to insert a proviso in sub-section (1) of section 3 of the Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016) (hereinafter referred to as the “said Act”) so as to do away the requirement of written consent as referred to in clauses (a) and (c) of sub-section (1) of section 3 of the said Act where the property/land is divided/allotted between all co-owners or members of family/families by an order or decree of the court or by a registered Deed or instrument.

The Bill also seeks to substitute sub-sections (6), (7) and (8) of section 3 of the said Act so as to not allow Regularisation of Unauthorized Construction where the title or ownership of

any property/land upon which Unauthorized Construction has been carried out, is subject matter of a dispute before any Court, Tribunal or any statutory Authority.

The Bill also seeks to substitute sections 7 of the said Act so as to make applicable certain provisions of the Limitation Act, 1963 (Central Act 36 of 1963) to the appeals made under the said Act.

The Bill also seeks to replace the Goa Regularisation of Unauthorized Construction (Amendment) Ordinance, 2023 (Ordinance No. 1 of 2023) promulgated by the Governor on 6th March, 2023.

This Bill seeks to achieve above objects.

#### Financial Memorandum

No financial implications are involved in this Bill.

#### Memorandum regarding delegated Legislation

No delegated Legislation is envisaged in this Bill.

Assembly Hall, Porvorim-Goa.  
28th March, 2023.

ATANASIO MONSERRATE  
Minister for Revenue.

Assembly Hall, Porvorim-Goa  
28th March, 2023.

NAMRATA ULMAN  
Secretary to the Legislative Assembly of Goa.

#### **Extract of sub-section (1) of Section 3 & 7 of The Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016).**

3. *Regularisation of unauthorized construction*.— (1) Any person who has carried out unauthorized construction in the property specified herein below before the 28th day of February, 2014, may make an application in Form I hereto together with application fee in the form of Court fee stamp of rupees five, documents specified in Schedule I hereto, sketch of the structure proposed to be regularised alongwith dimensions to the officer as may be authorised by the Government by

Notification in the Official Gazette, not below the rank of Junior Scale Officer of Goa Civil Service, for regularisation of such unauthorized construction, within a period of 180 days from the date of coming into force of this Act:

(a) any residential, commercial or residential cum commercial unauthorised construction in applicants own property or by the applicant who is co-owner, with written consent of all other co-owners thereto, in a property jointly held by the applicant with such co-owners.

(b) any unauthorized construction of a dwelling house by the applicant who is declared/registered as mundkar under the provisions of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act No. 1 of 1976) or a farm house constructed by the applicant who is tenant or owner of an agricultural land.

(c) any unauthorized construction by the applicant in undivided property jointly held by a unit of family or families, with written consent of all other members of the family/families.

(d) any unauthorized construction carried out by an institution or a person other than an individual in its property.

(e) any unauthorized construction carried out by the applicant, in a property wholly owned by another person with the consent of such person.

Provided that the person who could not make application within above period may make such application within a period of 30 days (thirty days) from the date of coming into force of the Goa Regularisation of unauthorised Construction (Amendment) Act, 2018.

“Provided for the that the person who could not make application within the period as specified in the first proviso may make such application within a period of 90 days (Ninety days) from the date of coming into force of the Goa Regularisation of Unauthorised Construction (Amendment) Act, 2023.

Section: 7. Appeals.— any person aggrieved by an order passed by the authorised officer may prefer an appeal to the Government within a period of 60 (sixty days) from the date of passing of such order.

LA/LEGN/2023/3547

The following bill which was introduced in the Legislative Assembly of the State of Goa on 28th March, 2023 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

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The Goa Highways Law (Revival of  
Operation, Amendment & Validation)  
Bill, 2023

(Bill No. 22 of 2023)

A

BILL

*to revive the Operation of the Goa Highways Act, 1974 (Act 10 of 1974).*

Be it enacted by the Legislative Assembly of Goa in the Seventy-fourth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Goa Highways Law (Revival of Operation, Amendment and Validation) Act, 2023. (2) It shall extend to the whole of the State of Goa.

(2) It shall be deemed to have come into force on the 26th day of September, 2013.

2. *Revival of operation.*— (1) All the provisions of the Goa Highways Act, 1974 (Act 10 of 1974) (hereinafter referred to as the “1974 Act”), except the provisions relating to the determination of compensation for acquisition of land, shall stand revived with effect on and from the 26th day of September, 2013.

(2) All rules, notifications, notices, orders, directions issued or any other proceedings initiated under the 1974 Act, except those relating to determination of compensation for acquisition of land, which were in force immediately before the 26th day of September, 2013 shall, for all purposes, be deemed to have been revived on and from the 26th day of September, 2013.

Assembly Hall,  
Porvorim-Goa.

NAMRATA ULMAN  
Secretary Legislature.

(3) The provisions relating to the determination of compensation as specified in the First Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) shall apply to the land acquisition proceedings under the 1974 Act:

Provided that, in the event the land has been acquired under the Policy on Procurement of land under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for Direct Procurement of land to set up public purposes projects on priority basis, the provisions of sub-section (3) shall not apply to such acquisition.

(4) Save as otherwise provided in this Act, the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) shall cease to apply to any land which is required for the purpose specified in sub-section (1) of section 15 of the 1974 Act and any such land shall be acquired by the Government only in accordance with the provisions of the 1974 Act.

3. *Amendment of section 2.*— In section 2 of the 1974 Act,—

(i) for clause (h), the following clause shall be substituted, namely:—

“(h) Government” means the Government of Goa;”;

(ii) after clause (k), the following clause shall be substituted, namely:—

“(kk) “land” includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;”;

(iii) after clause (p), the following clause shall be inserted, namely:—

“(pp) “person interested” means— (i) all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act;

(ii) the Scheduled Tribes and other traditional forest dwellers, who have lost any forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Central Act 2 of 2007);

(iii) a person interested in an easement affecting the land;

(iv) persons having tenancy rights under the relevant State laws including share-croppers by whatever name they may be called; and

(v) any person whose primary source of livelihood is likely to be adversely affected;”;

(iv) after clause (r), the following clause shall be inserted, namely:—

“(rr) “Special Land Acquisition Officer” means any person or authority authorised by the Government, by a notification in the Official Gazette, to perform the functions of the Special Land Acquisition Officer for such area or areas, as may be specified in such notification;”;

(v) clause (t) shall be omitted.

4. *Amendment of section 16.*— In section 16 of the 1974 Act, after the words “cause the land to be marked out” the expression “in the presence of the Special Land Acquisition Officer” shall be inserted.

5. *Substitution of section 17.*— For section 17 of the 1974 Act, the following section shall be substituted, namely:—

“17. *Public Notice and other notices of such requirements for acquisition.*— (1) The Special Land Acquisition Officer shall then cause a public notice to be given at convenient places on or near such land stating that the Government intends to take possession of the land, or, as the case may be, to extinguish any right or interest in the land and that claims to compensation for all interest in such land, or any right or interest in land to be extinguished may be made to the Special Land Acquisition Officer.

(2) Such notice shall state the particulars of the land so needed or right or interest in land to be extinguished and shall require all persons interested in the land or in the right or interest to be extinguished to appear personally or by an agent before the Special Land Acquisition Officer, at the time mentioned therein (such time not being earlier than fifteen days after the date of publication of the notice) and to state the nature of their respective right or interest in the land, or, as the case may be, in the right or interest to be extinguished and the amount and the particulars of their claims to compensation for such right or interest or both and their objections, if any, to the measurements made under section 16. The Special Land Acquisition Officer may, in any case, require such statement to be made in writing and signed by the party or his agent.

(3) The Special Land Acquisition Officer shall also serve notice to the same effect on the occupier of such land and on all such persons known or believed to be interested therein or to be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf, within the district in which the land is situated.

(4) In case any person so interested resides, elsewhere, a notice shall be served in the manner provided in section 71.”.

6. *Amendment of section 18.*— In section 18 of the 1974 Act, in sub-section (1), for the words “The Highway Authority or the officer authorised by it”, the words “The Special Land Acquisition Officer” shall be substituted.

7. *Substitution of section 19.*— For section 19 of the 1974 Act, the following section shall be substituted, namely:—

“19. *Taking possession of land.*— (1) Upon pronouncement of the award by the Special Land Acquisition Officer, the land shall vest absolutely in the Government free from all encumbrances.

(2) Where any land has been vested in the Government under sub-section (1), and

the amount determined by the Special Land Acquisition Officer with respect to such land has been deposited under section 39, the Special Land Acquisition Officer may by notice in writing direct the owner as well as any other person who may be in possession of such land to surrender or deliver possession thereof to any person duly authorised by it in this behalf within sixty days of the service of the notice.

(3) Where the land has been vested in the Government under sub-section (1), it shall be lawful for any person authorised by the Highway Authority in this behalf, to enter and do such other act necessary upon the land for carrying out the building, maintenance, management or operation of a highway or a part thereof, or any other work connected therewith.”.

8. *Insertion of new section 19A.*— After section 19 of the 1974 Act, the following section shall be inserted, namely:—

“19A. *Special powers to acquire land in case of urgency in certain cases.*— In case of urgency, whenever the Government so directs, the Special Land Acquisition Officer, though no such award has been made, may, on the expiration of thirty days from the publication of the notice mentioned in section 17, take possession of any land needed for a public purpose and such land shall thereupon vest absolutely in the Government, free from all encumbrances.

(2) The powers of the Government under sub-section (1) shall be restricted to the minimum area required for any emergencies arising out of natural calamities or any other emergency, with the approval of the Government.

Provided that the Special Land Acquisition Officer shall not take possession of any building or part of a building under this section without giving to the occupier thereof at least forty-eight hours notice of his intention to do so, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable

property from such building without unnecessary inconvenience.

(3) Before taking possession of any land under this section, the Special Land Acquisition Officer shall tender payment of eighty percent of the compensation for such land as estimated by him to the person interested and entitled thereto.

(4) In case of any land to which, in the opinion of the Government, the provisions of sub-section (1), sub-section (2) or sub-section (3) are applicable, the Government may direct that any or all of the provisions of sections 15 to 19, 26 to 28 and 32 shall not apply.

(5) An additional compensation of seventy-five percent of the total compensation as determined, shall be paid by the Special Land Acquisition Officer in respect of land and property for acquisition of which proceedings have been initiated under sub-section (1) of this section:

Provided that no additional compensation will be required to be paid in case the project is one that affects the sovereignty and integrity of India, the security and strategic interests of the State or relations with foreign States.”.

9. *Substitution of section 24.*— For section 24 of the 1974 Act, the following section shall be substituted, namely:—

“24. *Appeal against notice served under sub-section (1) of section 23.*— Where the person on whom notice to remove an encroachment has been served under sub-section (1) of section 23 lays claim that the land in respect of which encroachment has been alleged is his property, he shall, within the time-limit prescribed in the notice for the removal of the encroachment, file an appeal before the Collector under intimation to the Highway Authority or the officer authorised under sub-section (1) of section 21, as the case may be. The Collector shall after due enquiry record his decision in writing and communicate the same to the appellant and the Highway Authority or such officer. The Highway

Authority or such officer shall till then desist from taking further action in the matter.”.

10. *Amendment of section 26.*— In section 26 of the 1974 Act, clauses (a), (c) and (e) shall be omitted.

11. *Amendment of section 28.*— In section 28 of the 1974 Act,—

(i) in sub-section (1) clause (a) shall be omitted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) In determining the amount of compensation, the Highway Authority or the officer so authorised shall be guided only by the actual monetary loss suffered by the affected party.”.

12. *Omission of sections 29, 30 and 31.*— Sections 29, 30 and 31 of the 1974 Act shall be omitted.

13. *Amendment of section 32.*— In section 32 of the 1974 Act, sub-section (2) shall be omitted.

14. *Substitution of section 33.*— For section 33 of the 1974 Act, the following section shall be substituted, namely:—

“33. *No compensation for unauthorised erections.*— If any person has erected, re-erected, or added or altered any building on any land which is the subject matter of a notification issued under sub-section 2 of section 15, then any increase in the value of the land from such erection, re-erection, addition or alteration shall not be taken into account in estimating the value of the land.”.

15. *Amendment of section 35.*— In section 35 of the 1974 Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Any person aggrieved by the award of the Special Land Acquisition Officer, the Highway Authority or the officer authorised under section 28 may, by a written application to the Special Land Acquisition Officer, the Highway

Authority or such officer, as the case may be, require that the matter be referred to the Civil Judge within the limit of whose jurisdiction such land is situated.”;

(ii) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The Special Land Acquisition Officer, the Highway Authority or the officer authorised shall make the reference in such manner as may be prescribed.”.

16. *Amendment of section 37.*— For section 37 of the 1974 Act, the following section shall be substituted, namely:—

“37. *Superintendent of Police to enforce surrender or remove any encroachment.*—

If the Special Land Acquisition Officer, the Highway Authority or any officer or servant is opposed or impeded in taking possession of any land or in executing any work or in removing any encroachment under this Act, the Special Land Acquisition Officer, the Highway Authority or officer or servant concerned shall apply to the Superintendent of Police or such Police Officer as the Government may empower in this behalf, and the Superintendent or the officer so empowered shall enforce the surrender, removal or execution, as the case may be.”.

17. *Amendment of section 39.*— In section 39 of the 1974 Act,—

(i) in sub-section (2), after the expression “under section 28,” the expression “or under section 19” shall be inserted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) If a reference is made under section 35 against such award, after the decision of the Authority under that section, the Special Land Acquisition Officer or the Highway Authority shall make the payment of the compensation awarded to the person entitled thereto

in accordance with the agreement, the award or the decision of the authority empowered to decide references under section 35, as the case may be. The amount shall be paid to the persons entitled, by depositing the amount in their bank accounts. If the person entitled to compensation does not give his consent to receive it or in the event there is any dispute as to the title to receive the compensation or as to the apportionment of it, the Special Land Acquisition Officer, or the Highway Authority shall deposit the amount of the compensation with the Authority to which a reference under section 35 would be submitted:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that no person who has received the amount otherwise than under protest shall be entitled to make an application under sub-section (1) of section 35;

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.”.

18. *Validation.*— Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other authority to the contrary, the provisions of the 1974 Act, except the provisions relating to determination of compensation, shall be deemed to have been in force in all material times during the period commencing on the 26th day of September, 2013 and ending with the date of commencement of this Act, and anything done or any action taken under the 1974 Act, except those relating to determination of compensation shall be deemed to have been validly done or taken under the 1974 Act.

## Statement of Objects and Reasons

After the enactment of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 the process of acquisition of land for roads became extremely difficult. The bill therefore seeks to revive Goa Highway Act 1974 (Act 10 of 1974) which was repealed upon commencement of said Central Act 30 of 2013. Proposed bill also seeks to amend said Highway Act 1974 so that process of acquisition and award is simplified and acquisition for road could be done expeditiously. While the present bill provides for acquisition for land for roads, it also provides payment of compensation to affected land owners under Central Act 30 of 2013.

This bill seeks to achieve above objects.

## Financial Memorandum

Presently, there are no financial implications. However, as and when land will be acquired for road, there will be financial implication on that account which cannot be quantified at this stage.

## Memorandum regarding delegataed Legislation

Clause 3 of the bill empowers the Government to authorize any person or authority by notification in the Official Gazette to perform the function of Special Land Acquisition Officer.

This delegation is of normal character.

Porvorim, Goa.  
28th March, 2023.

NILESH CABRAL  
Minister for  
Public Works Department.

Porvorim, Goa.  
28th March, 2023.

NAMRATA ULMAN  
Secretary to the  
Legislative Assembly.

## Department of Home

Home—General Division

## Notification

11/13/91-HD(G)/Vol-I/862

- Read: (1) Notification No.11/13/91-HD(G) dated 20-08-2013 published in the Official Gazette, Series I No. 22 dated 29-08-2013.
- (2) Notification No. 11/13/91-HD(G)/1485 dated 18-05-2015 published in the Official Gazette, Series I No. 8 dated 21-05-2015.
- (3) Notification No.11/13/91-HD(G)/2028 dated 15-06-2016 published in the Official Gazette, Series I No. 12 dated 23-06-2016.
- (4) Notification No.11/13/91-HD(G)/1226 dated 02-05-2017 published in the Official Gazette, Series I No. 6 dated 11-05-2017.
- (5) Notification No. 11/13/91-HD(G)//Vol-I/1941 dated 11-07-2019.
- (6) Notification No. 11/13/91-HD(G)//Vol-I/858 dated 23-03-2021.

The Government of Goa vide Notification No. 11/13/91-HD(G) dated 20-08-2013, published in the Official Gazette, Series I No. 22 dated 29-08-2013 (hereinafter called the "Principal Notification") framed the scheme for providing employment in Government to the children of freedom fighters as announced in the Budget Speech 2013-14. The Government desired that the continuity of the said scheme is essential to bestow the benefits under the said scheme to the children of Freedom Fighters registered with the Home Department, the Government of Goa is pleased to amend the said scheme as under:

## Amendment of clause 3

Clause 3 (c) of the said scheme shall be read as under:

“(c) However, the prevalent reservation of 2% points under Group ‘A’ and ‘B’ based on roster points shall continue vis-a-vis posts filled through GPSC for further period of one year w.e.f. 1st March, 2023”.

#### Amendment of clause 7

Clause 7 of the scheme shall be read as under

“The scheme shall be valid for further period of one year w.e.f. 01-03-2023 to 29-02-2024”.

By order and in the name of the Governor of Goa.

*Diksha N. Tari*, Under Secretary, (Home-II).

Porvorim, 23rd March, 2023.

#### Notification

2/86/82-HD(G)/Part-II/916

In exercise of the powers conferred by sub-clause (d) of clause (8) of section 2 of the Official Secrets Act, 1923 (Central Act 19 of 1923) (hereinafter referred to as the “said Act”) read with Notification No. II/21019/2/89-IS(US.DII) dated 21-08-1989 of the Government of India, Ministry of Home Affairs, New Delhi, published in the Gazette of India, Part II, issued under Section 3, Sub-section (ii) vide No. S.O. 2081, dated 9-9-1989, the Government of Goa, hereby declares the entire yard of the Goa Shipyard Limited, Unit-II admeasuring 2240 sq. mtrs, at plot No. 8 and 9, Unit-III admeasuring 2884 sq. mtrs, SA-2 and AA-3 (plot No. 12 and 13), Unit-IV admeasuring 6198 sq. mtrs. at plot Nos. 63, 64, 65, 74 and 75 and Unit-V admeasuring 11500 sq. mtrs. at plot Nos. 23 to 26 and 33 to 36 at Sancoale Industrial Estate, Sancoale, Goa to be a prohibited place for the purpose of the said Act, for the period of five years from the date of publication of this notification in the Official Gazette.

By order and in the name of the Governor of Goa.

*Vivek K. Naik*, Under Secretary (Home-I).  
Porvorim, 29th March, 2023.

#### Department of Labour

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#### Notification

22/12/2002-LAB/256

In exercise of the powers conferred by clause (d) of sub-section (1) of section 2 of the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act No. 27 of 1996) (hereinafter referred to as the “said Act”), the Government of Goa hereby specifies the following works, in addition to those already specified in said clause (d) of sub-section (1) of section 2 of the said Act, for the purposes of the said Act, namely:—

- (a) cutting, breaking and crushing of stone.
- (b) cutting and polishing of slabs/tiles.
- (c) woodwork including painting, varnishing etc.
- (d) sewerage and plumbing work.
- (e) electrical works including wiring, distribution, panel fixing etc.
- (f) installation and repair of fire fighting systems.
- (g) installation and repair of cooling and heating systems.
- (h) installation of lifts, escalators etc.
- (i) installation of security gates, devices etc.
- (j) fabrication and installation of iron/metal grills, windows, doors.
- (k) construction of water harvesting structures.
- (l) interior work including carpeting, false ceiling, lighting, plaster of Paris.
- (m) cutting, glazing and installation of glass panels.
- (n) making of bricks, roofing tiles, etc. not covered under Factories Act, 1948.(63 of 1948).
- (o) installation of energy efficient equipment like solar panels etc.
- (p) installation of modular units for use in places such as kitchens.

(q) making and installation of pre-fabricated concrete modules etc.

(r) construction of sports/recreation facilities including swimming pools, golf courses etc.

(s) construction/erection of signage, road furniture, bus shelters/depots/stands, signalling system etc.

(t) construction of rotaries, installation of fountains, etc.

(u) construction of public parks, walking tracks and landscaping, etc.

This Notification shall come into force on the date of its publication in the Official Gazette.

By order and in the name of Governor of Goa.

*Amalia O. F. Pinto*, Under Secretary (Labour).

Porvorim, 31st March, 2023.

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